

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:16-CR-00165-HEA-NCC
	)	
DARREN R. WILSON.,	)	
	)	
Defendant.	)	

**MOTION TO SUPPRESS AUDIO RECORDING**

COMES NOW the above named Defendant, by and through counsel, Timothy J. Smith, and request that all recorded conversations between the Defendant and Government witness Attorney Gloria McCollum be suppressed. In support of said Motion, Defendant states the following:

1. Pursuant to Missouri Supreme Court Rule 4-1.9, an attorney owes certain duties to a former client.
2. Defendant is a former client of Attorney McCollum. Attorney McCollum represented Defendant under cause #210FC-04453 from the Twenty First Judicial Circuit of Missouri (Tara C. Wilson v. Darren R. Wilson).
3. Consequently, pursuant to Missouri Supreme Court Rule 4-1.9 (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter
  - (1) use information relating to the representation to the disadvantage of the former client except as these rules would permit or require with respect to a client or when the information has become generally know.

4. Due to Attorney McCollum's representation of the Defendant, counsel became aware of Defendant's financial difficulties.

5. Without the Defendant's knowledge, consent or approval, Attorney McCollum recorded several conversations with Defendant Wilson her former client. Said conversation(s) pertained to Wilson financial decision making and/or financial difficulties.

6. Providing the Government said recordings violated Missouri Supreme Court Rule 4-1.9 (c).

7. Pursuant to Missouri Supreme Court Rule 4-8.4(c), an attorney shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

8. Attorney Gloria McCollum, a Government witness recorded a conversation with her former client Defendant Wilson, through misrepresentation, fraud and/or deceit. Attorney McCollum misrepresented to Defendant Wilson that said conversation was not being recorded by failing to disclose that she was recording said conversation thereby violating Missouri Supreme Court Rule 4-8.4(c).

WHEREFORE, defendant respectfully request that all recorded conversations between the defendant and Government witness Attorney Gloria McCollum be suppressed because said recordings were created in violation of both Missouri Supreme Court Rules 4-1.9(c) and 4-8.4(c).

Respectfully submitted,

/s/ Timothy J. Smith .

Timothy J. Smith, #48655MO

Rudman & Smith LLC

2611 S. Big Bend Blvd.

St. Louis, MO 63143

Phone: 314-645-7246

Fax: 314-645-4156

[tjsmith@rudmansmithlaw.com](mailto:tjsmith@rudmansmithlaw.com)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
STATE OF MISSOURI

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	Case No.: 4:16-CR-00165 HEA/NCC
	)	
DARREN R. WILSON,	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 2016, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Crisitian M. Stevens, Assistant United States Attorney.

**Motion to Suppress Audio Recording**

Respectfully submitted,

/s/ Timothy J. Smith  
Timothy J. Smith, #48655MO  
Rudman & Smith, LLC  
2611 South Big Bend Blvd.  
St. Louis, MO 63143  
Ph. 314.645.7246  
Fx. 314.645.4156  
[tjsmith@rudmansmithlaw.com](mailto:tjsmith@rudmansmithlaw.com)